

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION ----- ETHICON WAVE 13 CASES LISTED IN EXHIBIT A	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
---	---

**NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION
CHALLENGING THE GENERAL-CAUSATION OPINIONS OF
DIONYSIOS K. VERONIKIS, M.D., FOR WAVE 13**

Defendants hereby adopt and incorporate by reference the *Daubert* motion filed against Dionysios K. Veronikis, M.D. for Ethicon Wave 3, Dkt. 2820 (motion); Dkt. 2821 (memorandum in support); and Dkt. 3033 (reply). Defendants respectfully request that the Court exclude Dr. Veronikis's testimony for the reasons expressed in the Wave 3 briefing and, as to his alternative-procedures opinions, for the additional reason that this Court has subsequently found that an alternative surgical procedure is not an alternative design. *See Mullins v. Johnson & Johnson*, 236 F. Supp. 3d 940, 942-43 (S.D.W. Va. 2017); *see also In re: Ethicon, Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2327, 2017 WL 1264620, at *3 (S.D.W. Va. Mar. 29, 2017) ("I agree with Ethicon that alternative procedures/surgeries do not inform the issue of whether an alternative design for a product exists.").

This notice applies to the Wave 13 cases identified in Exhibit A attached here.

Respectfully submitted,

/s/ William M. Gage

William M. Gage (MS Bar No. 8691)
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010

Ridgeland, MS 39158-6010
(601) 985-4561
william.gage@butlersnow.com

/s/ Susan M. Robinson
Susan M. Robinson (W. Va. Bar No. 5169)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 24338
(304) 414-1800
srobinson@tcspllc.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
William M. Gage